



## REGULAR MEETING MINUTES

for

Wednesday, December 5, 2005

4:00 P.M. – Council Chamber Boardroom  
and

5:30 P.M. - Art Pick Council Chambers  
3900 Main Street, Riverside, CA

### CASE REVIEW – 4:00 P.M.

#### Case Review Roll Call

Brewer	Davidson	Garcia	Gardner	Ward	Pearcy	Corral	Castro	Quinto	Arreola
✓	✓	✓	✓	✓	✓	✓	✓	✓	✓

✓ = Present    A = Absent

#### Public Comment

There was no public comment.

#### Closed Session – Case Reviews

Pursuant to Government Code Section 54957, the Commission adjourned to Closed Session at 4:15 p.m. to discuss issues pertaining to PUBLIC EMPLOYEE PERSONNEL MATTERS.

	<u>CPRC CASE NO.</u>	<u>IA CASE NO.</u>
1)	05-054	PC-05-158-143
2)	05-058	PC-05-186-285
3)	05-065	PC-05-210-189
4)	05-069	PC-05-214-146
5)	05-070	PC-05-216-106
6)	05-076	PC-05-230-251

The Commission recessed at 4:45 P.M. to reconvene in the Council Chambers.

## OPEN SESSION – 5:30 P.M.

The following proceedings have been digitally recorded.  
For copies, please call the CPRC office at (951) 826-5509.

Chairman Gardner led in the Pledge of Allegiance. Chairman Gardner asked Ms. Sherron to confirm commissioner attendance.

### REGULAR MEETING – ROLL CALL

Brewer	Davidson	Garcia	Gardner	Ward	Pearcy	Corral	Castro	Quinto	Arreola
✓	✓*	✓	✓	✓	✓	✓	✓	✓	✓

✓ = Present    A = Absent

\*Commissioner Davidson left at 5:45

Chairman Gardner announced that, because his contract ended at the end of the year, Special Consultant Bill Howe would no longer be working with the Commission. Chairman Gardner thanked Mr. Howe for his service as both a commissioner and a consultant.

Chairman Gardner noted that those attending the NACOLE Conference should have all the necessary information. He advised the commissioners to contact staff if they had any questions or concerns.

### Public Comments

Ms. Mary Shelton addressed the Commission regarding hate mail that she had received after writing an article about the Lane case and the threats contained in them and how the community and the RPOA handled the shooting. She concluded by saying she felt the Commission made the right decision in the Lane case.

Ms. Linda Dunn noted that she was part of the group that drafted the "Code of Conduct." She noted that the implementation was scheduled for consideration on December 20. She asked that a brief statement be made at the Commission's next meeting clarifying the role of the Code of Conduct for commissioners. She stated that if a commissioner makes an inappropriate comment, it should be handled by was of the Code of Conduct.

Ms. Dunn also spoke regarding officers suing the City and how officers are represented. She said it would be helpful to know who is acting on behalf of the officers of Riverside.

Dr. Ron Bailey offered encouragement and support to Commissioner Corral. He also spoke regarding the Lane case and the stipulated judgment.

### 2005 Annual Report

Chairman Gardner asked for discussion regarding updating the annual report. He asked the commissioners to turn in their bios. Commissioner Ward commented on use of audio recorders by officers and policy recommendations. Vice-Chair Percy suggested a round-table discussion.

Executive Director Payne said that another purpose for review is to add totally new information or delete information previously contained in the report.

Vice-Chair Percy suggested that commissioners keep the annual report in mind while at the NACOLE conference.

### **Briefing Regarding the Officer-Involved Death of Todd Argow**

**CHAIRMAN GARDNER** – Okay, I understand that we are now ready from a technical perspective for Item No. 5 – Briefing Regarding the Officer-Involved Death of Todd Argow...uh, Deputy Chief Dominguez...

**EXECUTIVE DIRECTOR PAYNE** – before deputy chief actually takes the podium, do all the commissioners have your, your monitors on...they're all on? Okay.

**MS. SHERRON** – If...I went and turned on all the monitors. If one of the monitors aren't working, you'll have to share with your neighbor, 'cause we've got one over here that isn't working either.

**DEPUTY CHIEF DOMINGUEZ** – Good evening, chairman, commissioners – good evening. I'd like to introduce Lt. Darryl Hurt. The lieutenant is the investigative lieutenant in our General Investigations Bureau that manages all...all of our investigations on the Major's Investigations Unit. Sergeant Leon Phillips – I think you might remember him. He was here last time. Leon is the supervisor in...in our robbery homicide unit.

Um, I'm gonna give you a real brief overview. I understand that you will have significant questions and concerns. I will not be able to take any questions tonight. I do know that we are in the middle of our investigation right now and we are currently still conducting interviews. With that said, I appreciate your certain understanding of the Police Department's position on that that we're unable to take any questions. And I do know that the casebook, when it comes over at that time, you certainly will be able to review it in its entirety.

Mr. Todd Webster Argow, 53 years of old, resides at...in the 5200 block of Old Mill Road. On Monday, at 11:14:05, our investigation has revealed that he was arguing with his girlfriend and had pointed a handgun at her. She then left and went to a neighbor's house right adjacent at 6:48 PM, the neighbor called the police report to us. What had happened between themselves, told them that he wanted to kill himself, that he had a history of suicide attempts, that he had a gund and that he was going burn things up. This is what was report to us through our dispatch center.

Several minutes later at 6:51 PM, the call is dispatched to our patrol officers with that information. At 6:58 hours, the officers arrive on-scene in the parking lot in the location of Grand and Jurupa with a supervisor present.

At that time, they began discussing their...coordinating their response to the location. At approximately 7:39 PM, they changed their location to the area of Old Mill Road. At 7:49, the officers identify the girlfriend and began interviewing in an attempt to get additional information from them. At 7:55, our lieutenant watch commander is on-scene. At 8:06...approximately 8:06, a trained hostage crisis negotiator – excuse me – placed a telephone call to the residence and began conversing with Mr. Argow over cell phone. This call lasted for approximately 20 minutes.

At 8:15 PM, the officers broadcast that Mr. Argow can be seen with a knife in his hand while on the phone – can we get the photo up there – that's the daytime picture; that's the residence right there...yes...please. They can see that, uh...they broadcast to each other that he has knife in his hand while on the phone. The trained crisis negotiator is still attempting to dialog with Mr. Argow. He refuses to come out of the house and denies having a gun to the officer on the phone and insists, demands that the police leave the area.

At 8:48 PM, the officer broadcasts now what appears that he sees Mr. Argow carrying a double-barrel shotgun. At 8:58, Mr. Argow walks out of the house carrying a shotgun with the barrel pointed toward the ground. What you see right now is where the officer was standing across the street with Mr. Argow coming out the front door.

Continuing, he is standing at the front door, where he is only visible to one officer. It's because the front door is situated at the west end of the corridor formed on three sides by very heavy shrubbery, vehicles, and the house itself. Can I get the overhead shot, please? That's an overhead shot from the next morning. You can see that there's extreme amount of foliage and vehicles there in the daytime shot...please...and that's the following morning also. Go back to the other one, please, now?

The officer is standing across the street in a direct line eastward from the front door. The officer orders Mr. Argow to drop his weapon. At that point, Mr. Argow raises his shotgun to his shoulder and points it in the direction of the officer directly across the street from him. The officers fire...fires his assigned rifle at Mr. Argow several times, striking him once in the chest, causing him to fall down inside the front door. The officers move up and find Mr. Argow lying wounded with the shotgun. Medical aid is already on-scene. They respond and transported him to Riverside Community Hospital where he expired the following week.

Our detectives later learned that Mr. Argow had received a call from a concerned neighbor who saw the police officers forming around his house. The neighbor told the detectives that Argow had planned to come out of the house with an unloaded shotgun and confront the officers. Our investigation is on-going. We are still finalizing our interviews and backtracking what had occurred over the last several days. We are working closely with the Department of Justice to analyze our forensic information, waiting for the Sheriff's Coroner's results and review. The post has already been conducted and we will continue to have team of supervisor and investigators on this case and submit it to... for review to the various levels before it goes to the District Attorney for review. The Police Department certainly extends its sympathy to the family members of Mr. Argow. Any time something like this...it is very tragic and thank you for that opportunity to brief you.

That's all I have tonight. Thank you.

**CHAIRMAN GARDNER** – Thank you, Chief. Um, I realize you can't answer questions to speak of, but just...if it's possible for a clarifying question... I think in the photographs, the house that Mr. Argow was in, is the one to the left...in the nighttime picture has a ladder raised to the roof. Is that correct – he's not in the house to the right?

**DEPUTY CHIEF DOMINGUEZ** – That's correct.

**CHAIRMAN GARDNER** – Okay. Thank you.

### **2006 Meeting Schedule**

The proposed 2006 meeting schedule was reviewed and discussed. Of the dates proposed for the November and December meetings, the Commission agreed to hold those meetings on November 8 and December 13.

### Approval of Minutes

Commissioner Ward asked that, when the Commission is briefed by RPD regarding an officer-involved death, the minutes include a transcript of that briefing. He asked that the minutes for October 12 be amended to include a transcript of the RPD briefing regarding the Terry Rabb incident.

Minutes for Approval	Motion	Second	Approve	Oppose	Abstain
November 9 Regular Meeting	Quinto	Ward	8	0	1
November 16 Case Review Meeting	Brewer	Ward	8	0	1

### Executive Director's Report & Comments

Executive Director Payne reported on

- the October and November monthly reports;
- the rescheduling of the NACOLE conference;
- the two officer-involved deaths currently under investigation by the Commission's investigator;
- report on the Rabb OID should be ready for presentation by the Commission's investigator in Feb, possibly Argow case, too.

Chairman Gardner noted that the Commission's investigator had briefed staff on the Rabb case and that all available witnesses had been interviewed.

### Committee Reports

A) Outreach Committee – Brian Pearcy, Chair

- no meeting in December
- will meet in January
- outreach tools have been received

B) Budget Committee – Bob Garcia, Chair

- no meeting in December
- will meet in January to discuss conference expenses

C) Policy & Procedure Review Committee - Jack Brewer, Chair

- no meeting in December
- will meet in January

D) Internal Evaluation Ad-hoc Committee – Jim Ward, Chair

- first meeting held on November 18
- discussed the following issues to implement and / or improve:
  - look at how to expedite public reports on officer-involved deaths;
    - develop format for report
  - look at how to better use independent investigator;
  - look at possibility of issuing an initial public report based on independent investigator's report and possibly have a supplemental report issued once RPD's report has been received;
  - look at how to establish a consensus of opinion on what is appropriate / inappropriate police conduct or misconduct;
  - want to introduce and discuss cultural colonialism, its impact on diversity and influence of the values of the Department's dominant ethnic groups in the Department;
    - look at how this phenomenon effects the Department and policing in general

- develop an identity that reflects the expectations of the Community:
- will be looking for information and presenters at the NACOLE Conference that can help accomplish the listed objectives.

**Commissioner Comments**

Commissioner Ward asked if the investigator's reports on the Rabb case were ready for commissioner review. Chairman Gardner said they were.

Commissioner Quinto offered support and encouragement to Commissioner Corral.

Mr. Pete Bolinger said he was extremely disappointed in Commissioner Corral. He said it was upsetting that someone would say something about an officer when the officer wasn't there. He said that he is a sergeant with another agency. He said he doesn't want a department like LAPD, but he also doesn't want a department where the officers "sit under trees." He said he wants officers to have confidence that the Commission will know that the officers aren't supermen.

**Adjournment**

The Commission adjourned at 6:22 PM.

Respectfully submitted,

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PHOEBE SHERRON  
Sr. Office Specialist